

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

THIS DOCUMENT RELATES TO:

City of New York et al v. Abbott  
Laboratories, et al.  
Civ. Action No. 04-cv-06054, et al.

MDL NO. 1456  
CIVIL ACTION NO.  
01-12257-PBS

## ORDER

September 22, 2008

Saris, U.S.D.J.

The Court DENIES Plaintiffs' objections to August 20, 2008 ruling by Magistrate Judge Bowler granting Schering Corporation's Motion for a Protective Order (Docket 5546). However, I modify it as follows: Plaintiffs may conduct discovery with respect to any branded drugs that have an AWP to AMP spread of over 30% for the year. Plaintiffs may also depose Professor Addanki regarding his calculations. While it may be better to have quarterly calculations, the proposal to use an AWP to AMP spread makes sense. Plaintiffs may submit an expert affidavit proposing alternative expert calculations, but it should be transparent and consistent in its methodology.

S/PATTI B. SARIS

United States District Judge